

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

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In re: )  
W. R. GRACE & CO., et al.,<sup>1</sup> ) Chapter 11  
Reorganized Debtors. )  
 ) Case No. 01-01139 (KJC)  
 ) (Jointly Administered)  
 )  
 ) Requested Hearing Date: TBD  
 ) Objection Deadline: TBD  
 )  
 ) Related to Docket No. 32608  
)

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**MOTION BY SGH ENTERPRISES, INC. TO SCHEDULE  
EXPEDITED TELEPHONIC HEARING AND SHORTEN NOTICE WITH  
RESPECT TO MOTION BY SGH ENTERPRISES, INC. REQUESTING:  
(I) AN EXTENSION OF THE RESPONSE DEADLINE REGARDING  
REORGANIZED DEBTORS' THIRTY EIGHTH OMNIBUS OBJECTION TO CLAIM,  
AND (II) A CONTINUANCE OF THE HEARING WITH RESPECT THERETO**

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SGH Enterprises, Inc. (f/k/a Samson Hydrocarbons, Inc. ) ("SGH"), by and through its undersigned counsel, hereby moves (the "Motion to Shorten") this Court, pursuant to Rules 2002 and 9006 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), section 105(a) of title 11 of the United States Code (the "Bankruptcy Code") and Rules 2002-1(b) and 9006-1(e) of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), for the entry of an order (i) shortening notice of, and scheduling an emergency telephonic hearing on the *Motion by SGH Enterprises, Inc. Requesting: (I) An Extension of the Response Deadline Regarding Reorganized Debtors' Thirty Eighth Omnibus Objection To Claim, and (II) a Continuance of the Hearing With Respect Thereto* (the "Motion to Continue") for the earliest date and time available at the convenience of the Court (the "Hearing")

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<sup>1</sup> The Reorganized Debtors comprise W. R. Grace & Co. (f/k/a Grace Specialty Chemicals, Inc., or "Grace") and W. R. Grace & Co.-Conn. ("Grace-Conn."). Grace Energy Corporation was a Reorganized Debtors whose case has been closed.

and (ii) allowing objections, if any, to the Motion to Continue to be filed on or before the Hearing.

In support of this Motion to Shorten, SGH respectfully represents as follows:

**JURISDICTION**

1. The Court has jurisdiction to consider this Motion to Shorten pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (B). Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief requested herein are 11 U.S.C. § 105(a), Bankruptcy Rules 2002 and 9006 and Local Rules 2002-1(b) and 9006-1(e).

**RELEVANT BACKGROUND**

3. On August 18, 2015, the Reorganized Debtors filed the *Thirty- Eighth Omnibus Objection to Claims filed by SGH Enterprises, Inc. (Substantive and Non- Substantive Objection)* [Docket No. 32600] (the “Objection”) and the *Declaration of Richard C. Finke in Support of the Thirty- Eighth Omnibus Objection to Claims filed by SGH Enterprises, Inc. (Substantive and Non- Substantive Objection)* [Docket No. 32601] (the “Finke Declaration” and collectively with the Objection, the “Claim Objection”).

4. These chapter 11 proceedings were commenced on April 2, 2001, over fourteen years ago.

5. The Effective Date of the confirmed chapter 11 Plan (“Plan”) in these cases was February 3, 2014 [Docket no. 31732], over eighteen months ago.

6. Under the Plan, Allowed Claims are to be paid in full, with post-petition interest. Therefore, the resolution of this Objection will not impact other creditors in this case.

7. To insure that the Reorganized Debtor is not prejudiced by any extension, SHG has agreed to forego the accrual of post-petition interest during any extension period.

8. The Reorganized Debtors requested from this Court, and received without objection by SGH, three separate significant extensions of the deadlines to file claims. Recently, on June 12, 2015, the Reorganized Debtors filed their third request for an extension of the deadline to object to claims. [Docket no. 32574]. The request was granted and the current claim objection deadline is July 31, 2016 [Docket No. 32582].

9. SGH filed proofs of claim, as amended, in the bankruptcy cases of Grace-Conn and Grace Energy Corporation based, in part, on contractual indemnity provisions under a series of agreements. The proofs of claim identify a number of claims and indemnity obligations (collectively, the “Claims”) against Grace- Conn and Grace Energy Corporation related, in part, to defending or resolving a number of environmental claims and matters. One part of the Claims, approximately \$77 million related to the Otis Pipeline matter in Massachusetts has been resolved through an agreement approved by this Court. The remainder of the Claims exceed \$17 million. Some of the objections filed by Reorganized Debtors are fact dependent and others purport to involve legal issues. The Claim Objection implicates issues of state and federal law and the Bankruptcy Code. The response likely requires a review and analysis of a significant volume of documents that may be relevant to an analysis of the facts and law in this case.

10. As set forth in more detail in the Motion to Continue, no party will be prejudiced by the continuance of the Claim Objection.

#### **RELIEF REQUESTED**

11. By this Motion to Shorten, SGH respectfully requests that the Court enter an order (i) shortening notice of, and scheduling a telephonic hearing on, the Motion to Continue for a date and time at the earliest convenience of the Court and (ii) allowing objections, if any, to the Motion to Continue to be filed on or before the Hearing.

**BASIS FOR RELIEF**

12. In accordance with Local Rule 9006-1(c) and Bankruptcy Rule 2002, parties generally are required to provide a total of 21 days' notice of motions if served by regular mail and 19 days' notice of motions if served by overnight mail to parties in interest. However, Local Rule 9006-1(e) provides that the Court may shorten this notice period "on written motion (served on all interested parties) specifying the exigencies justifying shortened notice." DEL. BANKR. L.R. 9006-1(e). SGH respectfully submits that sufficient cause exists for shortening notice of, and scheduling an emergency telephonic hearing on, the Motion to Continue and approving the requested objection deadline.

13. Given the relevant circumstances, SGH respectfully submits that the relief requested in this Motion to Shorten is reasonable and appropriate. If the Court grants the Motion to Shorten, parties in interest will still have time to respond to the Motion to Continue. Counsel has been in contact with the Reorganized Debtors to convey the request of SGH. Thus, no party in interest will be prejudiced by shortening the notice period.

**NOTICE**

14. Notice of the Motion to Continue and this Motion to Shorten will be given to the following parties: (i) the Office of the United States Trustee, Attn: Richard L. Schepcarter, Esquire, 844 N. King Street, Wilmington, Delaware 19801 (fax number 302-573-6497); (ii) Reorganized Debtors, through co-counsel, Roger J. Higgins, The Law Offices of Roger Higgins, LLC, 1 North Bishop Street, Suite 14, Chicago, IL. 60607 and James E. O'Neill, Pachulski Stang Ziehl & Jones LLP, , 919 North Market Street, 17th Floor, P.O. Box 8705, Wilmington, DE 19899, (iii) counsel for the Official Committee of Unsecured Creditors, Michael Magzamen, Strook & Strook & Lavan, 180 Maiden Lane, New York, NY 10038-4982 (fax 212-806-6006), and Michael

R. Lastowski, Duane, Morris & Heckscher, LLP, 1100 N. Market Street, Suite 1200, Wilmington, DE 19801-1246 (fax 302-657-4901); (iv) counsel to the Official Committee of Asbestos Property Damage Claimants, Scott L. Baena, Bilzin, Sumberg, Baena, Price & Axelrod, 1450 Brickell Avenue, Suite 2300, Miami, FL 33131 (fax 305-374-7593), and Michael B. Joseph, Ferry & Joseph, P.A., 824 Market Street, Suite 904, P.O. Box 1351, Wilmington, DE 19899 (fax 302-575-1714); (v) counsel to the Official Committee of Asbestos Personal Injury Claimants, Elihu Inselbuch, Caplin & Drysdale, Chartered, 375 Park Avenue, 35th Floor, New York, NY 10152-3500 (fax 212-644-6755), and Marla Eskin, Campbell & Levine, LLC, 222 Delaware Avenue, Suite 1620, Wilmington, DE 19801 (fax 302-426-9947); (vi) counsel to the Official Committee of Equity Holders, Thomas M. Mayer, Kramer Levin Naftalis & Frankel LLP, 919 Third Avenue, New York, NY 10022 (fax 212-715-8000), and Teresa K.D. Currier, Saul Ewing LLP, 222 Delaware Avenue P.O. Box 1266, Wilmington, DE 19899-1397 (fax 302-421-6813); (vii) counsel to the Asbestos PI Future Claimants' Representative, Richard H. Wyron, FrankelWyron LLP, 2101 L Street, NW, Suite 800, Washington, DC 20037 (fax 202-627-3002), and John C. Phillips, Jr., Phillips, Goldman & Spence, P.A., 1200 North Broom Street, Wilmington, DE 19806 (fax 302-655-4210); (viii) counsel to the Asbestos PD Future Claimants' Representative, Karl Hill, Seitz, Van Ogtrop & Green, P.A., 222 Delaware Avenue, Suite 1500, P.O. Box 68, Wilmington, DE 19899 (fax 302-888-0606), and Alan B. Rich, Law Office of Alan B. Rich, Esq., 1201 Elm Street, Suite 4244, Dallas, TX 75270 (fax 214-749-0325), and (ix) those other parties that requested service and notice of papers in accordance with Fed. R. Bankr. P. 2002 and receive that notice though ECF service shall receive such notice through ECF. In light of the nature of the relief requested, SGH submits that no further notice is required.

**NO PRIOR REQUEST**

15. No previous application for the specific relief requested herein has been made to this or any other Court.

**CONCLUSION**

**WHEREFORE**, SGH respectfully requests entry of an order, substantially in the form attached hereto as **Exhibit A**, (i) shortening notice of, and scheduling an emergency telephonic hearing on, the Motion to Continue at the earliest date available at the convenience of the Court; (ii) allowing objections, if any, to the Motion to Continue to be filed on or before the Hearing; and (iii) granting such other and further relief as the Court deems appropriate.

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Dated: August 25, 2015  
Wilmington, Delaware

*/s/ Domenic E. Pacitti*

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Domenic E. Pacitti (DE Bar No. 3989)

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